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**-And-**

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**Dallas, Texas 75206**

ATTORNEYS FOR GREAT WESTERN BANK, A  
BANK CHARTERED UNDER THE LAWS OF THE  
STATE OF SOUTH DAKOTA, SUCCESSOR IN  
INTEREST TO THE LOANS OF TIERONE BANK,  
A FEDERALLY CHARTERED SAVINGS BANK,  
BY ACQUISITION OF ASSETS FROM THE  
F.D.I.C. AS RECEIVER OF TIERONE BANK,  
WHICH WAS CLOSED BY THE OFFICE OF  
THRIFT SUPERVISION ON JUNE 4, 2010

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**DLH MASTER LAND HOLDING, LLC,**  
**ALLEN CAPITAL PARTNERS, LLC,**  
**RICHARD S. ALLEN, INC., and**  
**RICHARD S. ALLEN,**

**Debtors.**

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**Chapter 11**

**Case No. 10-30561-HDH-11**

**NOTICE OF TRANSFER OF CLAIMS TO GREAT WESTERN BANK**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A  
WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED  
STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET,  
ROOM 1254, DALLAS, TEXAS BEFORE CLOSE OF BUSINESS ON**

**AUGUST 25, 2010, WHICH IS TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

Pursuant to Federal Rule of Bankruptcy Procedure 3001(e)(2), Great Western Bank, a bank chartered under the laws of the State of South Dakota ("Great Western"), hereby gives notice that all right, title and interest of TierOne Bank ("TierOne") in (a) Proof of Claim No. 16 filed on June 1, 2010 in the bankruptcy case of Allen Capital Partners, LLC (the "ACP Claim") Case No. 10-30562 and (b) Proof of Claim No. 17-1 filed on June 1, 2010 in the bankruptcy case of DLH Master Land Holding, LLC (the "DLH Claim") Case No. 10-30561 have been acquired and transferred to Great Western pursuant to the terms of a certain Purchase and Assumption Agreement, dated June 4, 2010 ("Purchase and Assumption Agreement"), between Great Western and the Federal Deposit Insurance Corporation, as receiver for TierOne. The acquisition and transfer of the ACP Claim and the DLH Claim are further evidenced by the Unsworn Declaration of Lloyd W. Sohl, Senior Vice President of Great Western Bank attached hereto as Exhibit "A".

As authorized pursuant to Federal Rule of Bankruptcy Procedure 3001(e)(2), Great Western requests that the Court enter the Order attached hereto as Exhibit "B" granting the relief requested in this Notice of Transfer of Claims and substituting Great Western for TierOne as the owner and holder of all rights, title and interest previously owned by TierOne in the ACP Claim

and the DLH Claim. Nothing shall adversely affect the interest of Branch Banking and Trust Company as set forth in the ACP Claim and the DLH Claim.

Dated: August 4, 2010

Respectfully submitted,

By: /s/ Micheal W. Bishop

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ATTORNEYS FOR GREAT WESTERN BANK, A BANK  
CHARTERED UNDER THE LAWS OF THE STATE OF  
SOUTH DAKOTA, SUCCESSOR IN INTEREST TO THE  
LOANS OF TIERONE BANK, A FEDERALLY  
CHARTERED SAVINGS BANK, BY ACQUISITION OF  
ASSETS FROM THE F.D.I.C. AS RECEIVER OF  
TIERONE BANK, WHICH WAS CLOSED BY THE  
OFFICE OF THRIFT SUPERVISION ON JUNE 4, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing "Notice of Transfer of Claims to Great Western Bank" has been electronically filed in the case with the Clerk of the United States Bankruptcy Court by using the CM/ECF system, a copy was served on the parties who receive notice via the Court's ECF notification system and a copy was also forwarded via United States first class mail, postage prepaid and via certified mail, return receipt requested to the following persons on this 4<sup>th</sup> day of August, 2010. I additionally certify that a true and correct copy of the above and foregoing notice was forwarded via United States first class mail, postage prepaid to the persons set forth on the attached mailing matrix on this date.

TierOne Bank  
c/o Michael F. Kivett  
Walentine, O'Toole, McQuillan & Gordon  
11240 Davenport St.  
P.O. Box 540125  
Omaha, Nebraska 68154-0125

TierOne Bank  
Attn: Officer  
1235 "N" St  
Lincoln, NE 68508

TierOne Bank  
Attn: Tom Feilmeier  
1283 Kelly Johnson Blvd  
Colorado Springs, CO 80920

Federal Deposit Insurance Corporation as  
Receiver for TierOne Bank  
Divisions of Resolutions and Receiverships  
550 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20429  
Attention: Ralph Malami, Manager, Capital  
Markets

Great Western Bank  
Level 4, 100 North Phillips Avenue  
Sioux Falls, SD 57104  
Attn: Tim Kaiser

Federal Deposit Insurance Corporation as  
Receiver for TierOne Bank  
Room E7056  
3501 Fairfax Drive  
Arlington, VA 2226  
Attn: Special Issues Unit

Great Western Bank  
Level 4, 100 North Phillips Avenue  
Sioux Falls, SD 57104  
Attn: Kevin Roadnight

Federal Deposit Insurance Corporation  
Legal Division  
1601 Bryan Street  
Dallas, Texas 75201  
Attention: Regional Counsel

Great Western Bank  
Attn: Jeffory Erickson  
35 1<sup>st</sup> Avenue NE  
Watertown, SD 57201-2452

Federal Deposit Insurance Corporation  
Attn: Daniel M. Bell  
Receiver – In-Charge  
1601 Bryan Street  
Dallas, Texas 75201

Office of Thrift Supervision  
1700 G. Street NW  
Washington, D.C. 20552-0003

Office of the Attorney General  
Main Justice Building, Room 5111  
Tenth & Constitution Avenue, N.W.  
Washington, D.C. 20530

/s/ Micheal W. Bishop

Micheal W. Bishop